

RCRA REVISION CHECKLIST 50

Land Disposal Restrictions for First Third
Scheduled Wastes53 FR 31138-31222

August 17, 1988

as amended on February 27, 1989, at 54 FR 8264-8266
(HWSA Cluster II)

Notes: 1) The "First Third" Scheduled Waste rule addressed by this checklist is the third in a series of rules restricting the land disposal of hazardous waste. Previous related checklists include Revision Checklist 34 (51 FR 40572; November 7, 1986) and Revision Checklist 39 (52 FR 25760; July 8, 1987). The First Third Scheduled Waste rule was subsequently modified by corrections at 54 FR 18836 (May 2, 1989), and 54 FR 36967 (September 6, 1989) addressed by Revision Checklist 62 and Revision Checklist 66, respectively. Also, related to this present checklist are the Second Third Scheduled Wastes (54 FR 26594, Revision Checklist 63); the Third Third Scheduled Wastes (55 FR 22520, Revision Checklist 78), and a correction to the Third Third Scheduled Wastes (56 FR 3864; Revision Checklist 83). On August 19, 1991 (56 FR 41164; Revision Checklist 95), the treatment standards for the K061 nonwastewater in the high zinc subcategory were revised and finalized. The treatment standards for these wastes were first promulgated by the First Third Scheduled Wastes rule.

2) The following Part 268 sections are not delegable to States because of the national concerns which must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as is the case for decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions.

3) In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each non-delegable section. If States have already filled out a version of Revision Checklist 50 which does not include the nondelegable sections, they need not fill out a revised version containing these sections. This change in format was made only to improve clarity.

The Agency suggests that States incorporate the nondelegable portions of the LDR regulation into their regulations. It is essential, however, that States leave the terms "Administrator", "Federal Register" and "Agency" unchanged, i.e., States may not substitute analogous State terms for these Federal terms. Similarly, States incorporating by reference must be careful to exclude these sections from blanket substitutions of State terms for Federal terms. For a more complete discussion of issues surrounding nondelegable sections, see Appendix J of the State Authorization Manual (SAM).

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4) Certain sections or paragraphs of the land disposal restrictions are not delegable, specifically §§268.5, 268.42(b) and 268.44. These continue to be nondelegable. With regard to §268.6, "no-migration" petitions, EPA will continue to handle these petitions at Headquarters although States may be authorized to grant these petitions in the future.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

**PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART B - GENERAL WASTE ANALYSIS

GENERAL WASTE ANALYSIS

clarify language and apply testing to soft hammer wastes in treatment surface impoundments	264.13(b)(7) (iii)
apply to wastes that do not meet treatment standards	264.13(b)(7) (iii)(A)
apply to wastes for which no treatment standards are established	264.13(b)(7) (iii)(B)
prohibited disposal of residues under 268.32 or 3004(d)	264.13(b)(7) (iii)(B)(1)
prohibited disposal of residues under 268.33(f)	264.13(b)(7) (iii)(B)(2)

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

1 OPERATING RECORD

remove "or" after 268.5; add clause on 268.8 certification; add "applicable" before "notice required"; change "268.7(a)(3)" to "268.7(a)"	264.73(b)(10)
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RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
add "and the certification and demonstration, if applicable" and "or the owner or operator"; change "268.7(a)(1) to "268.7 or 268.8"	264.73(b)(11)				
add 1) clause on certification/ demonstration, and 2) "or the owner or operator"; substitute "268.7 or 268.8" for "268.7(a)(1)"; change placement of "except the manifest number," excluding the word "for."	264.73(b)(12)				
add "and demonstration if applicable"; move reference to generator; replace "268.7(b)(1) and (2)" and "268.7(a)(2)" with "268.7 and 268.8, whichever is applicable"	264.73(b)(13)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
change structure; add specific mention of "the generator" moving the place- ment of the refer- ence to "treater" and replacing it with "or owner or operator of a treatment facility"; replace "268.7(a)(2)" and "268.7(b)(1)" with "268.7"; add clause on certification/ demonstration referencing 268.8	264.73(b)(14)				
add new paragraph on off-site storage facility requirements	264.73(b)(15)				
add new paragraph on on-site storage facility requirements	264.73(b)(16)				

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

GENERAL WASTE ANALYSIS

clarify language and apply testing to soft hammer wastes in treatment surface impoundments	265.13(b)(7) (iii)
apply to wastes that do not meet treatment standards	265.13(b)(7) (iii)(A)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
apply to wastes for which no treatment standards are established	265.13(b)(7) (iii)(B)				
prohibited disposal of residues under 268.32 or 3004(d)	265.13(b)(7) (iii)(B)(1)				
prohibited disposal of residues under 268.33(f)	265.13(b)(7) (iii)(B)(2)				

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

1 OPERATING RECORD

after 268.5 replace 1) "or" with "monitoring data required pursuant to" and 2) "pur- suant to" with "under"; insert clause on certifi- cation after "268.8"; add "applicable" before "notice"; replace "268.7(a)(3)" with "268.7(a)"	265.73(b)(8)
add 1) "a copy of" before "the notice," 2) "and the certi- fication and demonstration if applicable" after "the notice" and 3) "or the owner or operator" after "generator"; replace "268.7(a)(1)" with "268.7 or 268.8"	265.73(b)(9)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
add 1) clause on certification/ demonstration, after "notice" and 2) "or the owner or operator" after "generator"; move manifest number clause; substitute "268.7 or 268.8" for "268.7(a)(1)"	265.73(b)(10)				
add 1) "a copy of" before "notice" and 2) "and demon- stration if applicable" after "certification"; restructure para- graph and move reference to generator; replace "268.7(b)" and "268.7(a)(2)" with 268.7 or 268.8"	265.73(b)(11)				
restructure para- graph moving clause on manifest number and placement of "treatment facility"; add 1) "owner or operator of a" before "treatment facility" and 2) "and the certifica- tion and demonstra- tion if applicable" before "required"; replace "268.7(a)(2)" and "268.7(b)(2)" with "268.7 or 268.8";	265.73(b)(12)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
add new paragraph on requirements for off-site storage facilities	265.73(b)(13)				
add new paragraph on requirements for on-site storage facilities	265.74(b)(14)				

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C - RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

APPLICABILITY

add language to reflect that products for general public's use are not subject to regulation if they meet treatment requirements of 268 Subpart D or prohibi- tion levels of 268.32 or 3004(d) where no treatment standards; zinc-containing fertilizers using K061 not subject to this requirement	266.20(b)
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RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

2 PURPOSE, SCOPE, AND APPLICABILITY

remove old 268.1(c)(3); redesignate 268.1(c)(4) as 268.1(c)(3)	268.1(c)(3)
redesignate old 268.1(c)(5) as 268.1(c)(4) and revise	268.1(c)(4)
add new 268.1(c)(5)-- landfills/surface impoundments, in compliance with 268.8 with respect to wastes not subject to specific treatment standards or prohibitions	268.1(c)(5)
add new paragraph preserving waiver availability under 121(d)(4)	268.1(d)

TREATMENT SURFACE IMPOUNDMENT EXEMPTION

clarify language and revise to apply to soft hammer wastes to treatment surface impoundments that meet a list of conditions:	268.4(a)(2)
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RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
sampling and testing requirements for wastes with and without treatment standards; super- natant and sludge samples tested separately	268.4(a)(2)(i)				
annual removal of specific residues; residues subject to valid certifica- tion; flow-through standard of removal for supernatant	268.4(a)(2)(ii)				
requirements for subsequent manage- ment of treatment residues in another impoundment pro- hibited unless certification under 268.8 and standards of 268.8(a) are met	268.4(a)(2)(iii)				
recordkeeping require- ments must be speci- fied in the facility's waste analysis plan	268.4(a)(2)(iv)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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Guidance note: 268.5 is NOT DELEGABLE. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

replace all of the text
in the introductory
paragraph after "may
be disposed" with "in
a landfill or surface
impoundment unit only
if such unit is in com-
pliance with the
following

requirements:" 268.5(h)(2)

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Guidance note: 268.6 is NOT DELEGABLE. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

PETITIONS TO ALLOW LAND DISPOSAL OF A WASTE PROHIBITED UNDER SUBPART C OF PART 268

monitoring plan
detecting migration
at the earliest time
sufficient information
to assure Admini-
strator that owner/
operator is in com-
pliance with other
applicable Federal,
State and local laws

268.6(a)(4)

268.6(a)(5)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
redesignate old 268.6(c) as 268.6(d); add new paragraph on what each petition must include:	268.6(c)				
monitoring plan including description of monitoring program to verify continued compliance with variance; information which must be included	268.6(c)(1)				
media monitored	268.6(c)(1)(i)				
type of monitoring	268.6(c)(1)(ii)				
monitoring station location	268.6(c)(1)(iii)				
monitoring interval	268.6(c)(1)(iv)				
specific hazardous constituents to be monitored	268.6(c)(1)(v)				
monitoring program implementation schedule	268.6(c)(1)(vi)				
monitoring station equipment	268.6(c)(1)(vii)				
sampling and analytical techniques employed	268.6(c)(1)(viii)				
data recording/reporting procedures	268.6(c)(1)(ix)				
268.6(c)(1) monitoring program must be in place by Administrator specified time period, as part of approval of the petition prior to prohibited waste receipt at unit	268.6(c)(2)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
268.6(c)(1) monitoring data sent to Administrator according to monitoring plan must be according to approved format and schedule	268.6(c)(3)				
monitoring data as per 268.6(c)(1) monitoring plan must be kept in on-site operating record	268.6(c)(4)				
criteria the 268.6(c)(1) monitoring program must meet:	268.5(c)(5)				
Administrator approval for all sampling, testing, and analytical data; data accurate and reproducible	268.6(c)(5)(i)				
Administrator approval of all estimation and monitoring techniques	268.6(c)(5)(ii)				
QA/QC plan for all aspects of monitoring program provided to and approved by Administrator	268.6(c)(5)(iii)				
redesignate old 268.6(c) and (d) as 268.6(d) and (g) respectively	268.6(d)				
redesignate old 268.6(e) as 268.6(h); add new paragraph addressing the reporting of changes at unit and/or surrounding environment that significantly depart from variances and affect migration potential	268.6(e)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
changes to unit design, construction or operation proposed in writing and a demonstration to Administrator 30 days prior to change; Administrator makes determination if petition is invalidated and determines appropriate response; Administrator approval before changes can be made	268.6(e)(1)				
within 10 days of discovering change, written notification to Administrator if condition is not as predicted or modeled in petition; Administrator decides if change requires further action	268.6(e)(2)				
redesignate old 268.6(f) as 268.6(i); add new paragraph on owner/operator responsibilities if hazardous waste migration:	268.6(f)				
immediate suspension of restriction waste receipt	268.6(f)(1)				
within 10 days written notification to Administrator	268.6(f)(2)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
Administrator decision within 60 days as to continued receipt of prohibited waste; Administrator deter- mines if further examination of any migration warranted	268.6(f)(3)				
redesignate old 268.6(d) as 268.6(g)	268.6(g)				
redesignate old 268.6(e) as 268.6(h)	268.6(h)				
redesignate old 268.6(f) as 268.6(i)	268.6(i)				
redesignate old 268.6(g) as 268.6(j)	268.6(j)				
redesignate old 268.6(h) as 268.6(k)	268.6(k)				
redesignate old 268.6(i) as 268.6(l)	268.6(l)				
redesignate old 268.6(j) as 268.6(m)	268.6(m)				
redesignate old 268.6(k) as 268.6(n)	268.6(n)				

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3 WASTE ANALYSIS AND RECORDKEEPING

clarify language and
provide exception to
section 268.43
testing requirements

268.7(a)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
remove the clause after "treatment standards" which ends with "exceeds" and insert "set forth in Subpart D of this part or exceeds"; insert "or storage" after "treatment"; remove "of this part" after "268.32" and "section" before "3004(d)"	268.7(a)(1)				
insert "treatment storage, or" before "land disposal facility"; insert "levels" after "prohibition"; remove "of this part" after "268.32" and "section" before "3004(d)"	268.7(a)(2)				
remove "an extension under §268.1(c)(3)"; insert "with each shipment of waste" after "Subpart C"; replace "forward" with "submit"; remove "with the waste" and "land disposal"; add new notice requirements for facility receiving the waste	268.7(a)(3)				
EPA hazardous waste number	268.7(a)(3)(i)				
treatment standards and applicable 268.32 or 3004(d) prohibition	268.7(a)(3)(ii)				
manifest number of shipment	268.7(a)(3)(iii)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
waste analysis data	268.7(a)(3)(iv)				
date waste is subject to prohibition	268.7(a)(3)(v)				
redesignate old 268.7(a)(4) as 268.7(a)(5); add new paragraph 268.7(a)(4) requires generator notification for 268.33(f) only prohibited wastes	268.7(a)(4)				
EPA hazardous waste number	268.7(a)(4)(i)				
applicable 268.33(f) prohibitions	268.7(a)(4)(ii)				
manifest number of shipment	268.7(a)(4)(iii)				
waste analysis data	268.7(a)(4)(iv)				
add new requirement for retention of waste analysis data on-site in files	268.7(a)(5)				
add five-year retention period for notices, certifications, demonstrations, etc. produced relative to 268.7; extensions during enforcement actions	268.7(a)(6)				
clarify language and applicability of testing requirements	268.7(b)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
redesignate old 268.7(b)(1) as 268.7(b)(4); add new paragraph 268.7(b)(1) derived from old 268.7(b) on testing when standards are expressed as concentrations in waste extract	268.7(b)(1)				
redesignate old 268.7(b)(2) as 268.7(b)(5); add new paragraph 268.7(b)(2) derived in part from old 268.7(b) on testing of 268.32 or 3004(d) prohibited wastes not subject to Subpart D treatment standards	268.7(b)(2)				
add new paragraph on testing for wastes with treatment standards expressed as concentrations in waste	268.7(b)(3)				
old 268.7(b)(1) redesignated as 268.7(b)(4)	268.7(b)(4)				
old 268.7(b)(2) redesignated as 268.7(b)(5)	268.7(b)(5)				
add new paragraph for compliance with generator notice/certification requirements if waste sent off-site	268.7(b)(6)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
notification with each shipment for waste subject to 268.33(f), but not subject to 268.32	268.7(b)(7)				
EPA hazardous waste number	268.7(b)(7)(i)				
applicable 268.33(f) prohibitions	268.7(b)(7)(ii)				
manifest number of waste shipment	268.7(b)(7)(iii)				
waste analysis data	268.7(b)(7)(iv)				
no 268.7(b)(4) notifi- cation for recyclable materials used in a manner constituting disposal and subject to 266.20(b); 268.7(b)(5) certification and 268.7(b)(4) notice to Regional Administra- tor; records of recipients of waste derived products	268.7(b)(8)				
clarify language	268.7(c)				
have copies of notice under 268.7(a) or (b) and certifica- tions in 268.8 if applicable	268.7(c)(1)				
retain rest of old 268.7(c), starting with "test the waste," and designate as 268.7(c)(2)	268.7(c)(2)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
waste subject to 268.33(f) prohibi- tions, but not 268.32 prohibitions or sub- ject to certification prior to disposal in landfill or surface impoundment unit and disposal is in accordance with 268.5(h)(2); same for wastes subject to 268.33(f) and 3004(d) prohibitions or codified 268.32 prohibitions		268.7(c)(3)			
LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS					
disposal of 268.33(f) prohibited wastes in landfills or surface impoundments in compliance with 268.5(h)(2) if requirements of 268.8 are met		268.8(a)			
good faith generator effort to contract with treatment and recovery facilities providing greatest environmental benefit		268.8(a)(1)			
demonstration and certification submitted to Regional Adminis- trator that 268.8(a)(1) require- ments have been met		268.8(a)(2)			

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
explanation and certification when no practically available treatment can be found	268.8(a)(2)(i)				
contracting and certification when practically available treatments are found	268.8(a)(2)(ii)				
copy of demonstration and certification sent to receiving facilities for shipments of waste with no practically available treatment; certification only for subsequent shipments; generator recordkeeping and five year retention	268.8(a)(3)				
generator copy of demonstration and certification sent to receiving facilities for shipments of wastes with practically available treatment; certification only for subsequent shipments; generator record-keeping and five year retention	268.8(a)(4)				
additional information for certification if requested by Regional Administrator	268.8(b)				
notification when change in conditions forming basis of certification	268.8(b)(1)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
invalidation when Regional Administrator finds practically available treatment method or a method yielding greater environmental benefit than certified	268.8(b)(2)				
when certification is invalidated, generator must cease shipment, communicate with facilities receiving waste, and keep records of communication	268.8(b)(3)				
receiving treatment, recovery or storage facilities keep copy of generator's demonstra- tion and certification	268.8(c)				
receiving treatment, storage or recovery facility certify waste treated according to generators' demonstration	268.8(c)(1)				
receiving treatment, recovery or storage facility must send generator demonstra- tion/certification and 268.8(c)(1) certification to facility receiving waste or treatment residues	268.8(c)(2)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
4 disposal facility must assure certification prior to disposal in landfill or surface impoundment unit and units in accordance with 268.5(h)(2) for wastes prohibited under 268.33(f)	268.8(d)				
wastes may be disposed in landfill or surface impound- ment meeting 268.5(h)(2) if certified and treated	268.8(e)				

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

5 WASTE SPECIFIC PROHIBITIONS - SOLVENT WASTES

repromulgate require- ment to treat to applicable standard unless restricted solvent falls into treatability group for which EPA has determined no capacity exists	268.30(a)
remove final clause starting with "not subject to..." and ending with "November 8, 1988"	268.30(a)(2)
change hyphenation; add "; or" at end of paragraph	268.30(a)(3)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
change first "(2), and (3)" to "(2), (3), and (4)"; remove second sentence concerning disposal in landfills prior to November 8, 1988	268.30(b)				
redesignate old 268.30(c) as 268.30(d); add new paragraph 268.30(c) prohibiting after November 8, 1990 land disposal of F001- F005 solvent waste contaminated soil and debris (and their treatment residues) resulting from CERCLA action or RCRA corrective action; permitting disposal in landfill or surface impoundment unit in compliance with 268.5(h)(2) prior to November 8, 1990	268.30(c)				
old 268.30(c) is new 268.30(d); revise "(a) and (b)" to read "(a), (b), and (c)"; 268.30(d)(1)- (3) are the same as the old 268.30(c)(1)- (3) except in (3) add "and units" after "wastes"	268.30(d)				
6 WASTE SPECIFIC PROHIBITIONS--DIOXIN-CONTAINING WASTES					
add phrase "unless the following condition applies:"	268.31(a)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
contaminated soil and debris waste resulting from response action under CERCLA or from a RCRA corrective action	268.31(a)(1)				
redesignate old 268.31(b) as 268.31(d); new paragraph 268.31(b) prohibiting land disposal of F020-F023 & F026-F028 dioxin- containing wastes after November 8, 1990	268.31(b)				
change years to "1988" and "1990," respectively; insert "(1)" after "(a)"; replace "the facility" with "such unit"	268.31(c)				
old 268.31(b) is new 268.31(d); in introductory sentence insert "and (b)" after "(a)"; 268.31(d)(1)-(3) are the same as old 268.31(b)(1)-(3) except in (3) change "extension from" to "extension to"	268.31(d)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
WASTE SPECIFIC PROHIBITIONS - CALIFORNIA LIST WASTES					
revise as an intro- ductory paragraph to read "The require- ments of (a) and (e) of this section do not apply until:"; redesignate remainder of old 268.32(d) as 268.32(d)(2)	268.32(d)				
add new paragraph with July 8, 1989 as the prohibition date for contaminated soil or debris <u>not</u> resulting from a CERCLA response or RCRA corrective action; disposal between July 8, 1987 and July 8, 1989 permitted in landfill or surface impoundment in compliance with 268.5(h)(2)	268.32(d)(1)				
redesignate majority of old 268.32(d) as 268.32(d)(2); change "1988" to "1990"; add sentence allowing disposal between November 8, 1988 and November 8, 1990 in landfill or surface impoundment in compliance with 268.5(h)(2)	268.32(d)(2)				
change date to November 8, 1988	268.32(e)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
add clause on not including wastes described in 268.32(d)	268.32(e)(2)				
change "July 8, 1989" to "November 8, 1988"; replace "described" with "included" and "the facility" with "such disposal"	268.32(f)				
insert ",(d)," after "(a)"	268.32(g)				
insert ",(d)," after "(a)(3)"	268.32(h)				
WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES					
specific wastes prohibited from land disposal effective August 8, 1988	268.33(a)				
land disposal prohibition of K061 waste containing 15% or greater of zinc pursuant to 268.41 treatment standard for K061 containing less than 15% zinc	268.33(a)(1)				
wastes--K048, K049, K050, K051, K052, K061 (contain 5% or greater zinc), K071--prohibited from land disposal effective August 8, 1990	268.33(b)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
effective August 8, 1990, land disposal prohibition of wastes specified in 268.10 having a treatment standard in 268, based on incineration and which are contami- nated soil and debris, Subpart D	268.33(c)				
between November 8, 1988 and August 8, 1990, landfill or surface impoundment disposal permitted if in compliance with 268.5(h)(2) of wastes included under 268(b) & (c)	268.33(d)				
requirements of 268(a)-(d) do not apply when:	268.33(e)				
waste meets applicable 268, Subpart D standards	268.33(e)(1)				
granted an exemption from prohibition for wastes and units under 268.6	268.33(e)(2)				
granted an extension to an effective date for wastes under 268.5	268.33(e)(3)				

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
prohibition of landfill or surface impoundment disposal of wastes specified in 268.10 for which treatment standards do not apply (other than 268.32 or section 3004(d) prohibitions) unless 268.8 demonstration and certification	268.33(f)				
for a waste listed in 268.10, initial generator testing to determine exceedance of 268.41 & 268.43 treatment standards and prohibition from land disposal if exceed standards	268.33(g)				

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

replace "this subpart" with "§268.41"; remove "without further treatment"	268.40(a)
land disposal of a restricted waste identified in 268.43 only if below listed constituent concentrations	268.40(c)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

in Table CCWE
remove entry
specified below;
add subtables to
Table CCWE in
numerical order as
specified below

268.41(a)

Delete the following entry:

	Concentration (in mg/l)	
	Wastewaters containing spent solvents	All other spent solvent wastes
F001-F005 spent solvents		
Methylene chloride (from the pharmaceutical industry).....	12.7	.96

Add the following subtables to Table CCWE in numerical order by EPA Hazardous Waste Number: (For electronic version of checklist, see 53 FR 31217.)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

add ability to
incinerate in boilers
and industrial
furnaces after "265,
Subpart O"

268.42(a)(2)

TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

introductory para-
graph for Table CCW
explaining table:

268.43(a)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

Add new Table CCW as shown below. Subtables are arranged in numerical order by EPA Hazardous Waste Number. Additionally there is a listing after the subtables of "K" wastes which are prohibited from land disposal. (For electronic version of table, see 53 FR 31218-31221.)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

		ANALOGOUS STATE CITATION	STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION		EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV-	MORE	BROADER
			ALENT	STRINGENT	IN SCOPE

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

		ANALOGOUS STATE CITATION	STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION		EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
treatment standard for combinations of wastes with different treatment standards, must meet lowest standard		268.43(b)			

**

Guidance note: 268.44 is **NOT DELEGABLE**. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

VARIANCE FROM A TREATMENT STANDARD

8 apply to Assistant
Administrator of
OSWER or delegated
representative for
site-specific
variance from
a treatment standard
if specified
conditions are
appropriate; what
applicant must
demonstrate

268.44(h)

260.20(b)(1)-(4)
information must
be included

268.44(i)

Assistant
Administrator or
delegated
representative
may request
additional information

268.44(j)

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
if site-specific treatment standard variance then compliance with 268.7 waste analysis requirements	268.44(k)				
during application review process, com- pliance with land disposal restrictions once effective date for waste reached	268.44(l)				

**					

**					

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITIONS ON STORAGE OF RESTRICTED WASTES

add to end of
paragraph
"or a valid
certification
under 268.8"

268.50(d)

¹ In this section, the language is clarified and requirements are added to reflect soft hammer certification and retention of records and to apply to storage facilities.

² Revise this section to reflect soft hammer wastes.

³ In this section, apply testing and recordkeeping analyses to First Third wastes and storage facilities and add notification requirements for soft hammer wastes.

⁴ Note that 268.8(d) has a typographical error. The reference to 263.33(f) should be 268.33(f).

⁵ Note that while 268.30(a)(introduction), 268.30(a)(1), and 268.30(a)(4) appear in the FR addressed by this checklist, they have not been changed by this FR. As such, 268.30(a)(1) and 268.30(a)(4) were not included in this checklist. An entry for the 268.30(a) introduction was included, however, to help clarify the modifications to 268.30(a).

RCRA REVISION CHECKLIST 50: Land Disposal Restrictions for First Third
Scheduled Wastes (cont'd)

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
<div>6</div> <div>For this section, revise applicability from facility-wide to unit and reschedule CERCLA and RCRA corrective action soil and debris dioxin-containing wastes prohibition from land disposal.</div> <div>7</div> <div>Note that the <u>FR</u> addressed by this checklist did not change 268.32(e)(1), even though it appears in the <u>FR</u>. Consequently, 268.32(e)(1) was not included in this checklist.</div> <div>8</div> <div>Note that Revision Checklist 66 (54 <u>FR</u> 36967; September 6, 1989) amended this paragraph replacing "Assistant Administrator of the Office of Solid Waste and Emergency Response" with "Administrator."</div>					